IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 7942 of 2007(U)

PETITIONER:

1. MERCY BABU, NURSING ASSISTANT,
   HOSPITAL DEVELOPMENT COMMITTEE, DISTRICT
   HOSPITAL MANANTHAVADY.

2. USHA.M.K., ATTENDER,
   HOSPITAL DEVELOPMENT COMMITTEE,
   DISTRICT HOSPITAL, MANANTHAVADY.

3. SHEEBA VARGHESE, STAFF NURSE,
   HOSPITAL DEVELOPMENT COMMITTEE,
   DISTRICT HOSPITAL, MANANTHAVADY.

4. KADEEJA HAMSA, NURSING ASSISTANT,
   HOSPITAL DEVELOPMENT COMMITTEE,
   DISTRICT HOSPITAL, MANANTHAVADY.

5. SMITHA, STAFF NURSE,
   HOSPITAL DEVELOPMENT COMMITTEE,
   DISTRICT HOSPITAL, MANANTHAVADY.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS:

1. THE SUPERINTENDENT,
   DISTRICT HOSPITAL, MANANTHAVADY.

2. DISTRICT PANCHAYATH,
   REPRESENTED BY ITS PRESIDENT,
   WAYANAD.

3. STATE OF KERALA, REPRESENTED BY
   ITS SECRETARY, FAMILY AND HEALTH DEPARTMENT,
   TRIVANDRUM.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO. 7942 of 2007

Dated this the 13th day of March, 2007

JUDGMENT

There are five petitioners. Petitioners 1 and 4 have been working as Nursing Assistants, Petitioners 3 and 5 have been working as Staff Nurses and the second petitioner is working as Attender in the District Hospital, Mananthavady, Wayanad district. It is stated that they were provided work for 28 days in every month with an artificial break of two days and such an arrangement has been going on from 2001 onwards. There is no case for anybody that the service rendered by the petitioners was not satisfactory. There is also no case that the service of Nursing Assistants, Attenders and Staff Nurses are no more required. Even then the respondents 1 and 2 took a decision to terminate the services of these petitioners abruptly. According to the counsel for the petitioner, the decision to terminate the services of the petitioners is totally arbitrary and inequitous. The only reason for terminating the services of the petitioners is to engage

another set of workers. Counsel would submit that such displacement of the petitioners ought not to have been done. He also contends that respondents 1 and 2 did not pay any heed to the hardships and financial difficulties to which the poor petitioners will be subjected to and that indulgence ought to have been shown to them by the respondents. Counsel submits that the respondents took hasty steps to see that the petitioners are sent out of service.

2. Having regard to the above submissions, Government Pleader was directed to seek instructions from the respondents as to what had transpired.

3. Today, when the matter has come up once again for consideration, it is submitted that the termination order has already taken effect. Counsel for the petitioner submits that due information was passed on to respondents 1 and 2 to maintain the status quo, having regard to the pendency of the writ petition, but that communication was discarded and the petitioners' services have been terminated.

4. Government Pleader submits that the petitioners were engaged by the Hospital Development Committee and that they

were not appointed against sanctioned posts. Counsel for the petitioners submits that even if the petitioners were working not against the sanctioned posts, as long as the services of Attenders, Nursing Assistants, Staff Nurses etc. are required for rendering due service to the patients in the District Hospital, Mananthavady, the petitioners could have been allowed to continue.

5. I think this is a matter for the second respondent to consider and take appropriate decision. The petitioners have already filed Ext.P6 representation before the second respondent bringing to his notice the difficulties that are being experienced by the petitioners.

6. Having regard to all facts and circumstances, this writ petition is disposed of directing the second respondent to look into the grievance of the petitioners as highlighted in Ext.P6 and take appropriate decision within two weeks from the date of receipt of a copy of the judgment.

The writ petition is disposed of as above.

K.K.DENESAN, JUDGE

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